

PROB 12C
(7/93)

Report Date: May 18, 2012

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

MAY 21 2012

Eastern District of Washington

JAMES P. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Phillip Smith

Case Number: 2:02CR02168-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 7/2/2003

Original Offense: Crime on an Indian Reservation, Aggravated Sexual abuse,
18 U.S.C. §§ 1153 & 2241(a) and 2241(c)Original Sentence: Prison - 121 Months Type of Supervision: Supervised Release
TSR - 60 Months

Asst. U.S. Attorney: James Goeke

Date Supervision Commenced: 8/12/2011

Defense Attorney: Alex B. Hernandez, III

Date Supervision Expires: 8/11/2016

PETITIONING THE COURT**To incorporate the violations contained in this petition in future proceedings with the violation previously reported to the Court on April 11, 2012.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 2 **Special Condition # 21:** You shall abstain from the use of alcohol and illegal controlled substances, and shall submit to urinalysis testing, including Breathalyzer testing, as directed by the supervising probation officer.

Supporting Evidence: Mr. Smith has failed to submit to random urinalysis testing at Merit Resource Services as directed on April 18, 24, May 10, and 15, 2012.

- 3 **Special Condition # 17:** You shall live at an approved residence, and shall not change your living situation without advance approval of the supervising probation officer.

Supporting Evidence: Mr. Smith changed his residence without advance approval from his U.S. probation officer on April 19, 2012.

On April 18, 2012, Mr. Smith was confronted regarding information that he was no longer residing at 1561 North Camas in Wapato, Washington. Mr. Smith denied he changed his residence. On April 26, 2012, a home visit was conducted at the defendant's reported address. This officer was advised by a family member that Mr. Smith had not been residing

Prob12C

Re: Smith, Phillip

May 18, 2012

Page 2

at this residence for a week and a half. On April 27, 2012, the defendant was questioned regarding his change of residence, and after several inquiries finally admitted he moved in with his girlfriend on April 20, 2012. However, per the Yakima County Sheriff's Office, Mr. Smith reported his change of address on April 19, 2012.

- 4 **Special Condition # 17:** You shall actively participate and successfully complete an approved state-certified sex offender treatment program. You shall follow all lifestyle restrictions and treatment requirements of the program. You shall participate in special testing in the form of polygraphs, in order to measure compliance with the treatment program requirements. You shall allow reciprocal release of information between the supervising officer and the treatment provider. You shall pay for treatment and testing according to your ability.

Supporting Evidence: Mr. Smith failed to attend sex offender counseling at Alliance Counseling on May 14, 2012. According to Mr. Smith's sex offender counselor, the defendant was a no call/no show for a group counseling session.

- 5 **Standard Condition # 2:** The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first 5 days of each month.

Supporting Evidence: Mr. Smith has failed to submit his April monthly report form within the first 5 days for the month of May 2012.

Mr. Smith has been directed to report to the U.S. Probation Office within the first 5 days of each month and to submit his monthly report form. As of May 17, 2012, the defendant has yet to submit his monthly report form that reports all that occurred for the month of April.

Prob12C

Re: Smith, Phillip

May 18, 2012

Page 3

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 05/18/2012

s/Jose Zepeda

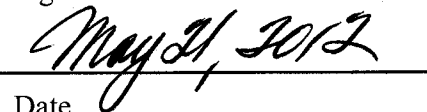
Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other



Signature of Judicial Officer



Date